

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN

EDMUNDO CARLOS,
Plaintiff,

-vs.-

DEMAND FOR JURY TRIAL

CAVALRY PORTFOLIO SERVICES, LLC,
Defendant.

COMPLAINT & JURY DEMAND

Plaintiff, Edmundo Carlos, through counsel, Nitzkin and Associates, by Gary Nitzkin states the following claims for relief:

JURISDICTION

1. This court has jurisdiction under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.
2. This court may exercise supplemental jurisdiction over the related state law claims arising out of the same nucleus of operative facts which give rise to the Federal law claims.

PARTIES

3. The Defendant to this lawsuit is Cavalry Portfolio Services, LLC which is a Delaware company that maintains registered offices in Oakland County.

VENUE

4. The transactions and occurrences which give rise to this action occurred in San Bernardino County.
5. Venue is proper in the Eastern District of Michigan.

GENERAL ALLEGATIONS

6. Defendant is attempting to collect on a consumer type debt allegedly owed by Plaintiff.
7. Pam Wheeler is Plaintiff's power of attorney.
8. On or about December 28, 2011, Ms. Wheeler sent Defendant a letter via certified mail directing it to cease and desist from having any further contact with the plaintiff.

Moreover this letter also demanded validation of the debt.
9. . In this letter, Ms. Wheeler directed the Defendant to send its response to P.O. Box 1705, Alamosa, CO 81101, which is Ms. Wheeler's address.
10. On or about January 4, 2012, Defendant sent verification of the alleged debt directly to Plaintiff at his residence.

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

11. Plaintiff reincorporates the preceding allegations by reference.
12. At all relevant times Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
13. Plaintiff is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.

14. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"),
15 U.S.C. §1692a(6).
15. Defendant's foregoing acts in attempting to collect this alleged debt violated 15 U.S.C.
§1692 et. seq;
16. The Plaintiff has suffered statutory, emotional and economic damages as a result of these
violations of the FDCPA.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury in this action.

DEMAND FOR JUDGMENT FOR RELIEF

Accordingly, Plaintiff requests that the Court grant him the following relief against the defendant:

- a. Actual damages including damages for emotional distress;
- b. Statutory damages,
- c. Treble damages,
- d. Statutory costs and attorney fees.

Respectfully submitted,

February 2, 2012

/s/ Gary Nitzkin

GARY D. NITZKIN P41155

MICHIGAN CONSUMER CREDIT LAWYERS

Attorneys for Plaintiff

22142 West Nine Mile Road

Southfield, MI 48033

(248) 353-2882

Fax (248) 353-4840

Email –gnitzkin@creditor-law.com